

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Brett A. TAYLOR

Confirmation No.: 9705

Application No.: 10/810,610

Group Art Unit: 3738

Filing Date: March 29, 2004

Examiner: Christopher D. Prone

For: ARTHROPLASTY SPINAL PROSTHESIS  
AND INSERTION DEVICE

Attorney Docket No.: 104558-300

**RESPONSE TO OFFICE COMMUNICATION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

In response to the Office Communication mailed May 7, 2007, please enter the following comments into the file of the above reference application.

The Office Communication indicates that a "subspecies" needs to be elected from the bottom of page 3 in the Restriction Requirement of January 11, 2007. Subspecies A is provisionally elected. Claims 1-23, 25-29, 31, 33 and 35-41 belong to Group I and are readable on elected Species H, as well as on provisionally elected Subspecies A. None of these claims define any features that would distinguish from an embodiment with an articulation as used by the Examiner to define Subspecies A.

The requirement to elect a subspecies is traversed, however, because Subspecies A-C, as best understood, do not identify different embodiments (*See* MPEP §806.04(c)), but instead define different features of one or more embodiments.

Applicants expressly reserve the right to file one or more divisional or continuing applications to protect the inventions of the other disclosed, but unclaimed or unelected, subject matter prior to the issuance of this application.

No fee is believed to be due for this response. Should any fee be required, please charge such fee to Deposit Account No. 50-1814.

Respectfully submitted,



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May 18, 2007

Date